

complained against him to the elders, and he was fined ten grosh in 423 Turkish and two gold francs in modern times. In Turkish times 487 a strong man often forced his way through and only a weak man, 685 cowed by the guns levelled at him, turned back. The principle of private ownership was carried so far in this village that it extended even to a certain garden road which was not blind but had an exit as well as an entrance. This was reserved for the villagers of one ward, and forbidden to their animals, to the rest of the village and to 'foreigners', with one exception. If a girl from another ward or 574 village had married into the privileged ward, her kinsmen had leave 607 to use the forbidden path when on their way to visit her. If even one man in the ward objected, however, he had the right to veto their passage. It is not known how this unusual privilege came into being. The most obvious explanation would be that the families 614 in the ward descended from a common male ancestor, but, in fact, the families were of very mixed descent.

In the extreme north the individual's safety on certain inter-486 tribal thoroughfares was ensured by what was called the 'truce of 619 sheep and shepherd', because it mainly concerned shepherds and their flocks. Actually travellers and public messengers also enjoyed its protection. Two or more tribes, meeting in full assembly of all their bajraktars, heads, and youth, swore a solemn truce to attacks on life and property on a given route or routes within their territory, and guaranteed its observance. They prescribed the limits of the road which it covered, regulated the behaviour of persons taking advantage of it, and enunciated penalties for breaking it. Thus, a shepherd could lead his flock and graze it only within a prescribed limit. A traveller or public messenger journeying from one of the contracting tribes to another had both going and coming to keep within the points fixed. As soon as he had set foot in the foreign tribe's territory he had to go straight to the bajraktar's house and not turn aside to any other. He must not venture out alone but must always be accompanied by the bajraktar or a guide of his providing. So long as shepherd, traveller or public messenger 574 obeyed these rules and kept to the prescribed road, he was regarded 628 as a public guest and consequently was guaranteed public protection 486 and, what was almost more important, public vengeance in the 672 event of being murdered or robbed. Protection came from the knowledge of the penalties which the foreign tribe would exact for any harm done him. If he were murdered the price of his blood 1 [In the village of Godelesh -- An 3145]

CHAPTER XXI

MURDER WITHIN THE FAMILY

682 When a man murdered his son, father, brother, paternal uncle,
 627 paternal uncle's son, or brother's son, the usual verdict was that
 596 in killing so near a relative the murderer had 'killed himself'. The
 victim's blood was therefore lost, 'no one sought-to-avenge him',
 and it had only been his 'ill-luck' so to die.

From another point of view it might be argued that since the murderer was the victim's nearest relative, other relatives could not act over his head and avenge the dead man. For example, when a man murdered his paternal uncle, if the latter left neither son nor brother, his blood was lost, for the murderer was his nearest relative and by killing him had only killed himself. On the other hand, if the uncle left either a son or a brother, that son or brother was nearer to him than the murderer and avenged his death. In view of his relationship to the criminal his vengeance generally took the form of exacting blood money. In the same way when a man murdered his brother's son, the victim's blood was lost if he left neither father nor brother. But if he left either, the murderer had to pay blood money. The rule of the nearest relative failed only if one brother killed another while their father was alive. Though the father was the nearest relative of the victim, the fratricide being only a neighbour by comparison, the victim's blood was lost. The father could not avenge him except by killing his surviving son, and even from the best of motives no decent father would kill a son.

[672] The motive of the murderer seldom affected the situation. The murder of a son, an extremely rare occurrence, was oftenest due to his adultery with his young stepmother. His blood was lost, not because of his sin, but solely because the father who murdered him [684] was his nearest relative. Again, one brother sometimes fell in love [687] with the other's wife, and knowing, especially in north Albania, • [607] that if she became a widow he could by customary law marry her, could not always resist the temptation to make her a widow. The [358] victim's blood was lost in spite of the murderer's motive, and the fratricide married the widow and suffered no disability except some loss of face.

MURDER WITHIN THE FAMILY

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This custom of the wife's brother giving a cartridge to a husband who had murdered his erring wife explains the phrase often heard in Albania, 'a bride with a cartridge on her back'. In Martanesh it was an old, but long disused, custom to tie a cartridge on the back of a bride's veil as she left her father's house; this cartridge she was to give to her husband on her wedding night, and he would keep it against the day when he found her unfaithful and then kill her with it. This custom, if it existed elsewhere, has been forgotten, but the phrase is universally known.

In Lumë, if a husband suspected his wife of illicit love-making, he could not tell her people because he was being disgraced. He could only lie in wait till he caught the pair together and then kill them. Sometimes when he could not catch them together, he divorced her; in one instance a man did so on the insistence of his kinsmen, who thought themselves as well as the husband disgraced by the wife's notoriously loose living. He admitted that he could not manage her, divorced her for the sake of the family honour, and then, being too poor to pay the bride-price of another wife, lived alone. Divorcing the wife also ensured that the husband ran no risk of having a feud with either her brother or her lover's family. The Highlanders held similar views—the husband could not question his wife or tell her lover not to come to the house; he could again do nothing but lie in wait until he caught them. A few Highlanders held that the husband might inform her people of her misconduct; if they believed him, they would say, 'Kill her', or perhaps kill her themselves; in either case her death went unavenged. They preferred to kill such a wife for they were Catholics in the main, and as such could not remarry if they divorced their wife. As it was permissible in Martanesh to kill the guilty pair separately, an adulterous wife was never divorced but always killed. If a woman was divorced in Mat, her brother always asked what wrong she had done; if she had been an adulteress, he killed her, provided that the husband first killed the lover. In north-east Albania, if the lover was the husband's brother, divorce was thought the easiest way out. Only an exceptionally brutal man would kill his brother; the average man would prefer to say to his wife, 'You have committed this sin, and are divorced'.

If the husband killed only his wife, her brother avenged her death in most cases; without seeing his sister dead by her lover's side he was unwilling to believe in her guilt and apt to think the husband

760] had killed her out of ill-will. After her brother had killed a male
 628 from his house, the husband would kill both her brother and her
 684 lover; then peace would be made between all three families. In
 573 Martanesh and Lumë if the husband did not kill the lover as well,
 the wife's brother, when threatening vengeance, would say, 'You
 killed the bitch; why didn't you kill the dog also?'

1606] Sometimes a husband had not the courage or the heart to kill his
 wife; then perhaps his people killed her. Or perhaps he sent word
 to her father that he had found her sinning and asked him to kill
 her. But the father generally replied to such husbands, 'Kill her
 yourself, because I gave her to you to look after'. If the wife
 suspected this interchange of messages, she might run away to her
 father. In that case her husband sent him word saying, 'Either
 kill that bitch or see me destroy you root and branch'. The father
 then either killed her or sent her to her husband to kill. If the
 father protected the wife, a blood feud began between him and the
 husband, for the latter could not bear the world to think that he
 had swallowed such a disgrace.

In Martanesh, it should be noted, it was permissible, as it was
 not elsewhere, to kill the lover and the wife separately, if they
 could not be found together. This seems to have been the case in
 Dibër also. About 1916 a man in Vleshjë (Dibër) found his wife
 unfaithful and killed the lover. The wife ran away, but the husband
 caught her, poured paraffin on her, and burned her alive, yet
 seems to have escaped her brother's vengeance.

684 If the outraged husband killed only the lover, then he had to fear
 682 vengeance from the lover's family. In Lumë on the principle that
 628 'vengeance is not abandoned because of guilt', vengeance was
 sometimes taken by a 'bad' brother for a man killed in adultery.
 He might kill the husband, forgive him, or demand blood money.

776 A gruesome story of collective punishment of a guilty pair comes
 684 from Martanesh. About 1912 a young man was caught with a
 627 young wife. The 'circle' of the young man took him and the
 'circle' of the wife took her out to an appointed spot where they
 stood them up together. The youth's uncle shot him dead, and the
 girl's brother shot her, while the drums beat and the other men
 danced. The honour of the two families being thus cleared, they
 buried the two close together, but in separate graves, at cross-roads;
 no hoxha was present to commit them to the grave, nor were they
 washed and changed. In the neighbouring Zdrâjšë also a guilty

682 father, his only means of doing so, was forbidden. Her son by
 562 another husband, belonging as he did to another family, was free
 628 to avenge her. If a woman's son killed her for any but the above
 596 heinous crimes, her husband could not avenge her, since to do so
 [607] he must kill his son. In Mirditë her brother could kill her son or
 other male in his family, but elsewhere it was held that her brother
 was as helpless as her husband because her son was a nearer relative
 and her nearest relative having killed her, her blood must be lost.
 If she was married for the second time and was killed by the son of
 her former marriage, her husband could kill his stepson, but as
 before, her brother's hands were tied, except in Mirditë, by the
 law of nearest relative.

When a man killed his brother's wife for any other reason than
 those stated above, her husband took no action if he and the
 murderer had not separated; the murder was a family affair. Her
 brother, however, killed one of them. If the two brothers had
 separated, the murderer had to pay blood money to her husband.
 If the husband did not exact it within a year, her brother killed
 either the murderer or her husband. Her husband never killed his
 brother: 'I'd never kill my brother for the sake of my wife', was
 a common saying.

When a woman was killed by her father or brother, her blood
 was always lost by the rule of nearest relative. If she was married,
 her husband did not, in most districts, continue friendly relations
 with the murderer, but in some, such as Krasniqë, he asked him for
 [584] another girl and on receiving her forgot his annoyance at the other's
 murder. The same was true if the murdered woman was only
 betrothed, for a betrothed girl 'is counted the man's wife'. When
 a woman was killed by some other man in her own family, by her
 uncle or her nephew for instance, by the rule of nearest relative her
 [593] blood was lost if she was neither married nor betrothed. If she was
 either and was not killed for a heinous crime, her husband felt he
 had been disgraced and avenged her by killing a male in her family.

When murders were committed by women, the situation was
 complicated by the fact that women belonged to two families,
 their husband's and their father's.

[672] If a woman murdered her husband, both his family and her
 father's were involved. The important factor was her motive,
 which was usually love for another man who had probably bought
 the necessary rat poison in the bazaar. If her lover was her

582 lost because the only possible avenger was the woman's husband,
 562 who was not likely to kill the wife, who had cost him good money, for
 628 the sake of his sister, though he was more likely to do so for the sake
 596 of his father or brother. If she murdered a married woman of her
 [607] own kin, her victim's husband exacted blood money from the males
 of her family or perhaps another girl. If she murdered a married
 woman in her husband's kin, his brother's wife, for example, or her
 own brother's wife, her victim's brother exacted blood money or
 even a life from the males in her family.

When a woman killed the wife of her husband's brother, her
 victim's husband had to suffer the loss of his chattel in silence. He
 could not kill the murderess because a man might not kill his
 brother's wife for any reason other than adultery or thieving. Nor
 could he kill her husband because a man might not kill his own
 brother. In his default his wife was avenged by her brother, who
 might kill either him or his brother if they were not separated, but
 only him if they were. Whatever the issue, her sex saved the
 murderess from expiating her crime.

[606] When a woman killed her mother-in-law or her daughter-in-law,
 her sex again saved her from expiating the crime. Her victim's
 brother was the only possible avenger, for no member of her
 husband's family could kill the murderess for anything except
 adultery and thieving. The avenger could kill any male in the
 family of the murderess; the marriage relationship did not count.